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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/019,992	05/06/2002	Marc Saelen	10541-930	9884

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EXAMINER

PETERSON, KENNETH E

ART UNIT PAPER NUMBER

3724

DATE MAILED: 03/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/019,992	<b>Applicant(s)</b> SAELEN ET AL.	
	<b>Examiner</b> Kenneth E. Peterson	<b>Art Unit</b> 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 08 February 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 19-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

1. Claim 19 is objected to because of the following informalities:

On the last line of claim 19 "mans" should be --means--.

Appropriate correction is required.

2. Claims 25-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

On line 7 of claim 25, the cutting step is "*permitting the production of said first side*". Is the production of the first side a positively recited step here? It seems not to be.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 25-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Fazis '273, who shows a method of cutting planiform pieces that could be used as automobile trim.

Fazis shows in figure 2a a first cutting blade having straight sections and a curved apex portion. In figure 2, the second blade (3) and third blade (4) can be seen. Together, the first and second knife each cut part of a straight section of the workpiece. The first and third knife likewise each cut part of a straight section of the workpiece.

The knives operate sequentially due to their incline, best seen in figure 1. The apex is formed “simultaneously” with the nearby straight edges because the apex does not exist until the straight edges are completely cut.

Fazis’ blades do not make overlapping cuts, but Applicant has not actually claimed this. For example, in claim 25, the 1<sup>st</sup> blade cuts “a *first side on a fraction F*” and the 2<sup>nd</sup> blade cuts “*at least one part at least of fraction F*”. No part of “F” is identified that is cut by both blades.

In regards to claim 27, the three blades form a continuous cutting edge.

In regards to claims 28-30, Fazis shows a support 2 that substantially matches the cutting edges of the three upper knives (figure 1, lines 30-35, column 3).

5. Claims 19,25 and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Bitzel ‘211, who shows a method of cutting planiform pieces that could be used as automobile trim.

Bitzel shows several tool species that meet the claims. For example, to punch tool of figure 21 has four edges, or four “cutting means”. The first cutting means (side s1) cuts an arcuate apex as seen in the upper right part of figure 21. Overlapping therewith is a cut by the second cutting means (side s4).

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 19-22,25-28,31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bitzel.

Bitzel shows a cutting method with all of the recited steps except none of the example cuts are shown using the third cutting means (e.g sides s2 or s3) in overlapping manner with apex cutting side s1. However, Bitzel makes it perfectly clear that the charm of his device is it's versatility, and that the four cutting means can be used to cut almost any configuration of planiform piece. Given Bitzel's suggestion to use the four cutting means in any order, and to do so in overlapping manner (lines 67,68, column 1), It would have been obvious to one of ordinary skill in the art to have employed them in the order claimed by Applicant, in order to make planiform pieces with straight sides and an arcuate apex.

Bitzel also teaches tool changing (lines 38,39, column 12) so that even more cutting means can be employed to make any desired shape by a series of overlapping cuts from diverse cutting means.

If there is any doubt that it is desirable to make planiform pieces with straight sides and an arcuate apex, then attention is drawn to Fazis '273, who teaches the desirability of making such a planiform piece.

In regards to claims 22 and 28, Bitzel shows and underneath support portion in figure 1.

8. Claims 23 and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. Applicant's arguments have been fully considered but they are not all persuasive.

Applicant has overcome the first 112 rejection, but not the second. Removing "capable of" from claim 25 still leaves the term "permitting". Is this step actually being taken, or just permitted to be taken?

Partly because of the 112 problems, Applicant's arguments against the prior art with regards to claim 25 are unconvincing.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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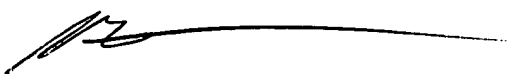
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ken Peterson whose telephone number is 571-272-4512. The examiner can normally be reached Mon-Thurs, 7:30AM-5PM

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KP  
March 2, 2006



KENNETH E. PETERSON  
PRIMARY EXAMINER